PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

    Peter Strarup Jensen et al.

Serial No. 10/600,281

Filed: June 20, 2003

For: **PROTOCOL METHOD FOR
    PROVISIONING SERVICES**

Examiner: NGUYEN, Dustin

Art Unit: 2454

Atty Docket No. SUNMP155

Date: March 19, 2009

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **March 19, 2009**

Signed: _____
               Jayanthi Minisandram

TRANSMITTAL OF APPEAL BRIEF

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

    Applicant hereby submits the Appeal Brief in response to a Notification of Non-Compliant Appeal Brief dated February 19, 2009.

    The Applicants believe there is no fee that is due with the response. The Office is, however, requested to charge any additional fees that is due or credit any overpayment to Deposit Account No. 50-0805, (Order No. SUNMP155). An additional copy of this transmittal is enclosed.

Respectfully submitted,
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RONLP001.CIP4

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

EX PARTE Jensen et al.

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Filed June 20, 2003

Application No. 10/600,281

FOR:

PROTOCOL METHOD FOR PROVISIONING SERVICES

APPEAL BRIEF

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TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

The real party in interest is Sun Microsystems, Inc., the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

The Applicants are not aware of any related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-20 are pending in the subject application. Claims 1-20 have been rejected and are on appeal.

IV. STATUS OF AMENDMENTS

Applicants submitted an amendment on January 22, 2008, in response to a non-Final Office Action mailed on October 19, 2007. This amendment was the last entered amendment.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The subject invention is directed towards a method, system and computer readable medium for provisioning services between a client and a provisioning server. Accordingly, as recited in independent claim 1, a computer readable medium with program instructions for provisioning services between a client and a provisioning server includes program instruction (in the form of provisioning protocol of the claimed invention) to provide discovery transactions that allow the client device to retrieve information regarding services available to the client device from a provisioning server. (The current application incorporates by references Application No. 10/600,119. See page 6, lines 4-23 of Application No. 10/600,119 that refers to provisioning application programming interface). The services comprise a plurality of content files that are capable of being installed on the client device (page 10, lines 11-13). The client device is

configured to restrict granularity of services requested from the provisioning server by selecting one or more properties of the provisioning services the client device requests to discover (page 16, lines 1-3). The program instructions further includes programming logic to afford subscription transactions that allow the client device to manage content in service directories. Each of the service directories includes a plurality of services. (page 5, lines 8-9, page 6, lines 9-10). The program instructions additionally include programming logic to provide delivery transactions that allow the client device to download data related to services (page 5, lines 11-12) based on synchronization of the client device with the provisioning server. The synchronization ensures that a view of delivered services on the client is in synchronization with the view of the delivered services on the provisioning server. (page 20, line 21 through page 21, line 2). The discovery transactions, the subscription transactions and the delivery transactions may be requested by another client device that is different from the client device. (See Figure 3 and relevant description on page 14, lines 6-19).

Additionally, as recited in independent claim 9, a method for provisioning services between a client device and a provisioning server includes providing discovery transactions that allow the client device to retrieve information regarding services available to the client device from a provisioning server (page 10, lines 1-3). The services comprise a plurality of content files capable of being installed on the client device (page 10, lines 11-13). The client device is configured to restrict granularity of services requested from the provisioning server by selecting one or more properties of provisioning services the client device requests to discover (page 16, lines 1-3). The method further includes affording subscription transactions that allow the client device to manage content in service directories having a plurality of services (page 5, lines 8-9, page 6, lines 9-10). The method further includes providing delivery transactions that

allow the client device to download data related to services (page 5, lines 11-12) based on synchronization of the client device with the provisioning server. The synchronization ensures that a view of delivered services on the client is in synchronization with the view of the delivered services on the provisioning server (page 20, line 21 through page 21, line 2). The discovery transactions, the subscription transactions and the delivery transactions may be requested by another client device different from the client device. (See page 14, lines 6-19).

Further, as recited in independent claim 17, a system for provisioning services includes a provisioning server and a client device in communication with the provisioning server via a provisioning protocol (page 6, lines 5-6). The provisioning protocol includes discovery transactions that allow the client device to retrieve information regarding services available to the client device from a provisioning server (page 6, lines 6-7). A service comprises a plurality of content files capable of being installed on the client device. The client device is configured to restrict granularity of services requested from the provisioning server by selecting one or more properties of provisioning services the client device requests to discover (page 16, lines 1-3). The provisioning protocol further includes subscription transactions that allow the client device to manage content in service directories that comprises a plurality of services and delivery transactions (page 6, lines 9-10) that allow the client device to download data related to services based on synchronization of the client device with the provisioning server (page 20, line 20 through page 21, line 2). The synchronization ensures that a view of delivered services on the client is in synchronization with the view of the delivered services on the provisioning server (page 20, line 20 through page 21, line 2). Further, the discovery transactions, the subscription transactions and the delivery transactions may be requested by another client device different from the client

device. (page 14, lines 6-19).

It should be appreciated that the above description represents only a summary of the present invention. A more in-depth discussion of the present invention is provided in the Detailed Description section of the application.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A.   Independent claims 1, 9 and 17 were rejected under 35 USC 112 first paragraph as containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

B.   Claims 1-20 were rejected under 35 USC 103(a) as being unpatentable over Mehta et al. (U.S. Patent Application No. 2002/0131404), in view of Kolbe et al. (U.S. Patent No. 6,341,316).

VII.   ARGUMENT

A.   **Rejection of claims under 35 U.S.C. § 112 first paragraph as containing subject matter which was not described in the specification.**

Claims 1, 9 and 17 were rejected under 35 USC 112 first paragraph as containing subject matter which was not described in the specification.

Independent Claims 1, 9 and 17

1.   The claimed invention teaches, aside from other features, requesting transactions for a client device by a client device different from the client device for which the transactions are being requested. Support for this is in the Specification is on page 17, lines 18-23 wherein the object ID of the client device requesting the transactions may be

different from the object ID of the client device for which the transactions are being requested. Further support can be found in the Specification on page 14, lines 6-19, wherein it states that, "*It should be noted that the discovery transactions 300 can be utilized to retrieve information regarding service available to client devices that are different from the client device used to perform discovery.*" and that a computer protocol used to communicate between client devices and a provisioning server includes discovery transactions, subscription transactions and delivery transactions. (See page 5, lines 2-16). As has been mentioned in our response to the Final Office Action, (see page 8, last line through page 9, line 7 of the response to Final Office Action) this feature enables a person in an administrative role to use a desk top client device to manage the configuration of a fleet of wireless client devices. The client device has the ability to receive the transactions based on a request made by another client device as the reply received may include an object id that is different from the object id of the requesting client device indicating that a redirection has occurred on the server for the reply.

As can be seen, the specification describes the limitation, "wherein the discovery transaction, the subscription transactions and the discovery transactions may be requested by another client device different from the client device," as claimed in the independent claims 1, 9 and 17. Applicants, therefore, submit that the feature taught by the amended independent claims are very much described in the specification so as to reasonably convey to one skilled in the relevant art the features of the claimed invention.

B.   **Rejection of claims under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention.**

Claims 1, 9 and 17 were rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention

Independent Claims 1, 9 and 17

1.   The claimed invention teaches, aside from other features, that the discovery transactions, subscription transactions and the delivery transactions may be requested by another client device different from the client device. Support for this is in the Specification on page 14, lines 6-10, wherein it states that, *"The discovery transactions 300 are used by a client device to retrieve information about services available to the client device, based on available contextual information. It should be noted that the discovery transactions 300 can be utilized to retrieve information regarding service available to client devices that are different from the client device used to perform discovery. "* As a result, the term "may be" in the independent claims 1, 9 and 17 has a definite scope as the transactions may be requested by the client device for which the transactions are requested or may be requested by a client device other than the client device for which the transactions are requested.

C.   **Rejection of claims under 35 U.S.C. § 103(a) as being unpatentable over Mehta et al. (U.S. Patent Application No. 2002/0131404), in view of Kloba et al. (U.S. Patent No. 6,341,316).**

1.   **Mehta does not** teach or suggest *requesting available service transactions by a client device on behalf of other client devices.* Mehta teaches Mobile Appliation System (MAS) that provides information related to services available to a particular client device. The client device in Mehta is more like a slave device wherein the client device receives information related to all services available to that client device in response to a request.

Mehta discloses computer and network based methods and systems for maintaining and provisioning wireless applications. A Mobile Application System (MAS) provides a collection of interoperating server components that work individually and together in a secure fashion to provide applications, resources and other content to mobile subscriber devices. However, the request for the provisioning of services is between the client device and the MAS. Mehta does not suggest or teach another client device from requesting or receiving discovery transactions, subscription transactions and delivery transactions for a client device.

The Examiner is pointing to Figures 9A-9C and paragraphs 0097-0098 to suggest that Mehta teaches or suggests that another device different from the client device may request discovery transactions, subscription transactions and delivery transactions for the client device. The sections cited by the Examiner actually teach a Content Provider Website 801 provided by the Administrator 800 for content providers to use to submit downloadable applications to the MAS and to monitor whether the submitted downloadable applications have been reviewed and approved for publication. As can be seen, the Content Provider Website 801 is a generic repository available at the server to receive downloadable applications from various content providers which are available for review and approval for publication and is not reflective of what transactions are available for a particular client device, what the client device has subscribed or requests to subscribe for and what transactions are ready for delivery to the client device. These transactions are used for configuring the client device. Figures 9A-9C reflect screen shots of an application submission screen at the Content Provider Website that are accessed by a content provider when submitting applications for publishing and does not reflect a request for transactions (discovery, subscription and delivery transactions) by one client device on behalf of another client device.

The Examiner is relying on Kloba to provide the synchronization of the client device with the server. Kloba teaches enabling web content to be loaded on mobile devices so that the users of the mobile devices will be able to operate with the web contents in an interactive manner. However, Kloba does not cure the deficiency of Mehta. Kloba does not suggest or teach the feature of allowing the mobile device to load web content received in response to a request made by another mobile (client) device. Combining Kloba with Mehta would still not teach the claimed invention as the combined references do not suggest or teach managing transactions at a client device based on a request made by another client device.

In contrast, in the claimed invention, other client devices are able to request discovery transactions, subscription transactions and delivery transactions on behalf of a client device different from the other client devices. (See Figure 3 and corresponding description on page 14, lines 6-19 and page 17, lines 16-23). This feature enables an Administrator to use other client devices to manage configuration of a plurality of client devices.

The Examiner has failed to meet the Examiner's burden of distinctly identifying each and every element of the claimed invention in the combined references as the combined teachings of Mehta and Kloba are different from the claimed invention, as discussed above.

The Applicants submit that the independent claims 1, 9 and 17 are not taught by Mehta in view of Kloba and that the independents claims are patentable over the cited arts. Further, the dependent claims include all the limitations of the independent claims and, hence, are patentable over Mehta and Kloba for the same aforementioned reasons.

D.   Conclusion

In view of the foregoing reasons, the Applicants submit that each of the claims 1-20 are patentable. Therefore, the Applicants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's rejections of the claims on appeal.

Respectfully submitted,
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VIII. CLAIMS APPENDIX

1.   A computer readable medium in which a provisioning application is stored, the provisioning application including program instructions which when read by a computer system, cause the computer system to perform a method for provisioning services between a client and a provisioning server , comprising the operations of:

providing discovery transactions that allow the client device to retrieve information regarding services available to the client device from a provisioning server, wherein a service comprises a plurality of content files capable of being installed on the client device, wherein the client device is configured to restrict granularity of services requested from the provisioning server, the granularity defined by selection of one or more properties of provisioning services the client device requests to discover;

affording subscription transactions that allow the client device to manage content in service directories, wherein a service directory comprises a plurality of services; and

providing delivery transactions that allow the client device to download data related to services based on synchronization of the client device with the provisioning server, wherein the synchronization ensures that view of delivered services on the client is in synchronization with the view of the delivered services on the provisioning server,

wherein the discovery transactions, the subscription transactions and the delivery transactions may be requested by another client device different from the client device.

2.   The computer readable medium as recited in claim 1, wherein the discovery transactions includes a service discovery transaction that allows the client

device to obtain information regarding a particular service.

3.   The computer readable medium as recited in claim 2, wherein the discovery transactions include a service directory discovery transaction that allows the client device to obtain information regarding a particular service directory.

4.   The computer readable medium as recited in claim 1, wherein the subscription transactions include a service subscription transaction that allows a service to be added to a service directory.

5.   The computer readable medium as recited in claim 4, wherein the subscription transactions include an unsubscribe transaction that allows a service to be removed from a service directory.

6.   The computer readable medium as recited in claim 1, wherein the delivery transactions include an update transaction that allows the client device to obtain a provisioning update comprising a list of services that should be installed on the client device.

7.   The computer readable medium as recited in claim 6, wherein the delivery transactions include a notification transaction that allows the provisioning server to request the client device to perform an update transaction.

8.   The computer readable medium as recited in claim 7, wherein the delivery transactions include a delivery transaction that allows the client device to download data related to a service.

9.   A method for provisioning services between a client device and a provisioning server, comprising the operations of:

providing discovery transactions that allow the client device to retrieve

information regarding services available to the client device from a provisioning server, wherein a service comprises a plurality of content files capable of being installed on the client device, wherein the client device is configured to restrict granularity of services requested from the provisioning server, the granularity defined by selection of one or more properties of provisioning services the client device requests to discover;

affording subscription transactions that allow the client device to manage content in service directories, wherein a service directory comprises a plurality of services; and

providing delivery transactions that allow the client device to downloading of data related to services based on synchronization of the client device with the provisioning server,

wherein the synchronization ensures that view of delivered services on the client is in synchronization with the view of the delivered services on the provisioning server,

wherein the discovery transactions, the subscription transactions and the delivery transactions may be requested by another client device different from the client device.

10.   The method as recited in claim 9, wherein the discovery transactions includes a service discovery transaction that allows the client device to obtain information regarding a particular service.

11.   The method as recited in claim 10, wherein the discovery transactions include a service directory discovery transaction that allows the client device to obtain information regarding a particular service directory.

12.   The method as recited in claim 9, wherein the subscription transactions

include a service subscription transaction that allows a service to be added to a service directory.

13.   The method as recited in claim 12, wherein the subscription transactions include an unsubscribe transaction that allows a service to be removed from a service directory.

14.   The method as recited in claim 9, wherein the delivery transactions include an update transaction that allows the client device to obtain a provisioning update comprising a list of services that should be installed on the client device.

15.   The method as recited in claim 14, wherein the delivery transactions include a notification transaction that allows the provisioning server to request the client device to perform an update transaction.

16.   The method as recited in claim 15, wherein the delivery transactions include a delivery transaction that allows the client device to download data related to a service.

17.   A system for provisioning services, comprising:

a provisioning server; and

a client device in communication with the provisioning server via a provisioning protocol, the provisioning protocol comprising:

discovery transactions that allow the client device to retrieve information regarding services available to the client device from a provisioning server, wherein a service comprises a plurality of content files capable of being installed on the client device, wherein the client device is configured to restrict granularity of services requested from the provisioning server, the granularity

defined by selection of one or more properties of provisioning services the client device requests to discover;

subscription transactions that allow the client device to manage content in service directories, wherein a service directory comprises a plurality of services; and

delivery transactions that allow the client device to download data related to services based on synchronization of the client device with the provisioning server, wherein the synchronization ensures that view of delivered services on the client are in synchronization with the view of the delivered services on the provisioning server, wherein the discovery transactions, the subscription transactions and the delivery transactions may be requested by another client device different from the client device.

18.   The system as recited in claim 17, wherein the discovery transactions include a service discovery transaction that allows the client device to obtain information regarding a particular service, and wherein the discovery transactions further include a service directory discovery transaction that allows the client device to obtain information regarding a particular service directory.

19.   The system as recited in claim 17, wherein the subscription transactions include a service subscription transaction that allows a service to be added to a service directory, and wherein the subscription transactions further include an unsubscribe transaction that allows a service to be removed from a service directory.

20.   The system as recited in claim 17, wherein the delivery transactions include an update transaction that allows the client device to obtain a provisioning update comprising a list of services that should be installed on the client device, the

delivery transactions further including a notification transaction that allows the

provisioning server to request the client device to perform an update transaction, and

wherein the delivery transactions further include a delivery transaction that allows the

client device to download data related to a service.

IX.   EVIDENCE APPENDIX

There is currently no evidence entered and relied upon in this Appeal.

X.   RELATED PROCEEDINGS APPENDIX

There are currently no decisions rendered by a court or the Board in any

proceeding identified in the Related Appeals and Interferences section.